

Office of the
Legislative Fiscal Analyst

FY 2002 Budget Recommendations

Joint Appropriations Subcommittee for
Executive Offices, Criminal Justice and Legislature

Board of Pardons

Contents:

- 1.0 Summary
- 2.0 Issues
- 3.0 Programs
- 4.0 Additional Information

1.0 Board of Pardons

Summary

The Board of Pardons is the release authority for inmates in the State of Utah.

	Analyst FY 2002 Base	Analyst FY 2002 Changes	Analyst FY 2002 Total
Financing			
General Fund	2,459,100		2,459,100
Dedicated Credits Revenue	2,200		2,200
GFR - Tobacco Settlement	77,400		77,400
Total	\$2,538,700	\$0	\$2,538,700
Programs			
Board Of Pardons and Parole	2,538,700		2,538,700
Total	\$2,538,700	\$0	\$2,538,700
FTE/Other			
Total FTE	37		37
Vehicles	6		6

2.0 Issues: Board of Pardons

2.1 Public Safety Retirement

In FY 1997 there was an increase in the Public Safety Retirement costs which was under-funded for the Board staff. To correct that funding will require \$35,000 in General Funds.

2.2 Mentally Ill

The main Appropriations Act (Senate Bill 1, 2000 General Session, Item 27, page 10) included language dealing with the mentally ill inmates. The required report was made to the interim committee, however, the report included a request for a six-month extension to complete their work. The granted extension will not come due until after the General Session of the Legislature.

3.0 Program: Board of Pardons

Recommendation

The Analyst recommends a continuation budget for this program.

	2000	2001	2002	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	2,454,700	2,504,400	2,459,100	(45,300)
Dedicated Credits Revenue	900	2,000	2,200	200
GFR - Tobacco Settlement		77,400	77,400	
Beginning Nonlapsing	151,000	145,100		(145,100)
Closing Nonlapsing	(165,900)			
Total	\$2,440,700	\$2,728,900	\$2,538,700	(\$190,200)
Expenditures				
Personal Services	1,853,600	2,052,700	2,006,500	(46,200)
In-State Travel	14,700	15,000	10,900	(4,100)
Out of State Travel	9,400	9,800	8,900	(900)
Current Expense	487,300	458,600	380,200	(78,400)
DP Current Expense	75,700	47,900	66,700	18,800
Other Charges/Pass Thru		144,900	65,500	(79,400)
Total	\$2,440,700	\$2,728,900	\$2,538,700	(\$190,200)
FTE/Other				
Total FTE	35	37	37	
Vehicles		6	6	

Summary

The Board of Pardons is the release authority for inmates in the State of Utah. As such, the Board is responsible for reviewing an inmate's performance after the inmate is incarcerated, and determining when and under what conditions the inmate may be released after serving the minimum sentence required by law. In addition, the Board reviews violations of release conditions to decide whether an inmate should be sent back to prison, etc.

Although the Board of Pardons is budgeted with Corrections and works closely with them, the Executive Director of Corrections does not have line authority over the Board and cannot direct the Board of Pardons to release inmates early, impose release conditions, etc.

As of July 1, 1983, the Board of Pardons went from a part-time to a full-time Board. As a quasi-judicial body, the Board has a tremendous responsibility not only for public safety and inmate equity of treatment, but for the record keeping and process that must meet stringent legal scrutiny. In Utah most sentencing is indeterminate, and the Board, de facto, becomes the final sentencing authority and sets the standard for length of confinement for most felons.

Public Safety Retirement

In FY 1997 there was an increase in the Public Safety Retirement costs which was under-funded for the Board staff. To correct that funding will require \$35,000 in General Funds.

Adult Corrections Statistics
“Snapshot” of Parolees, October 16, 2000

Last Grade Comp.	Male #	Female #	Age	Male #	Female #
1-6	177	8	Under 18	1	0
7-11	1332	206	18-19	10	0
12	1158	146	20-24	408	32
12+	297	35	25-29	617	73
Unknown	102	12	30-34	576	80
Citizenship			35-39	528	112
U.S. Citizen	2669	402	40-44	413	65
Non U.S. Citizen	385	4	45-49	238	26
Unknown	12	1	50-54	137	11
Race			55-59	65	2
White	2008	317	60-64	25	1
Hispanic	673	49	65 and over	29	1
Black	207	22	Unknown	19	4
Native American	96	11	Marital Status		
Asian	50	3	Never Married	1370	107
Pacific Islander	7	1	Married	597	81
Unknown	25	4	Separated	173	41
# of Convictions			Divorced	734	146
1-5	1868	262	Common Law	149	18
6-10	679	63	Widowed	14	10
11-15	201	20	Unknown	29	4
16-20	85	6	Number of Arrests		
Over 20	62	6	1-5	1462	221
Unknown	171	50	6-10	755	98
Degree of Crime			11-15	368	42
Capital	3	0	16-20	204	19
First Degree	295	15	Over 20	223	18
Second Degree	1347	136	Unknown	54	9
Third Degree	1358	242	# of Incarcerations		
Compact	59	12	1	2486	344
Misdemeanor	1	0	2-4	480	47
Unknown	3	2	5-7	33	6
Offense Type			8+	10	1
Murder	75	14	Unknown	57	9
Person	489	31			
Sex/Registerable	450	4			
Property	916	138			
Weapons	38	0			
Alcohol/Drugs	956	206			
Driving	88	9			
Other	43	1			
Unknown	11	4			

As of October 2000 there are approximately 14,000 Adult Parolees and Probationers.

**Mentally Ill/
Report to Board**

The main Appropriations Act (Senate Bill 1, 2000 General Session, Item 27, page 10) included language dealing with the mentally ill inmates as follows:

“It is the intent of the Legislature that the Department of Corrections, the Board of pardons and Parole, and the Department of Human Services shall select an organization whose primary responsibility is representing people with disabilities, and is recognized under the Protection and Advocacy for Individuals with Mental Illness Act. Together these organizations shall study whether pre-adjudicated and mentally ill persons who are detained in jail or in the Utah State Hospital should receive credit for time served. A report shall be produced and presented to the Law Enforcement and Criminal Justice Interim Committee in October.”

The report was made to the interim committee, however, the report included a request for a six-month extension to complete their work. Since the granted extension would not come due until after the General Session of the Legislature, the Analyst recommends that a status report on progress be provided the sub-committee at this time.

**Compensation
Shortfall**

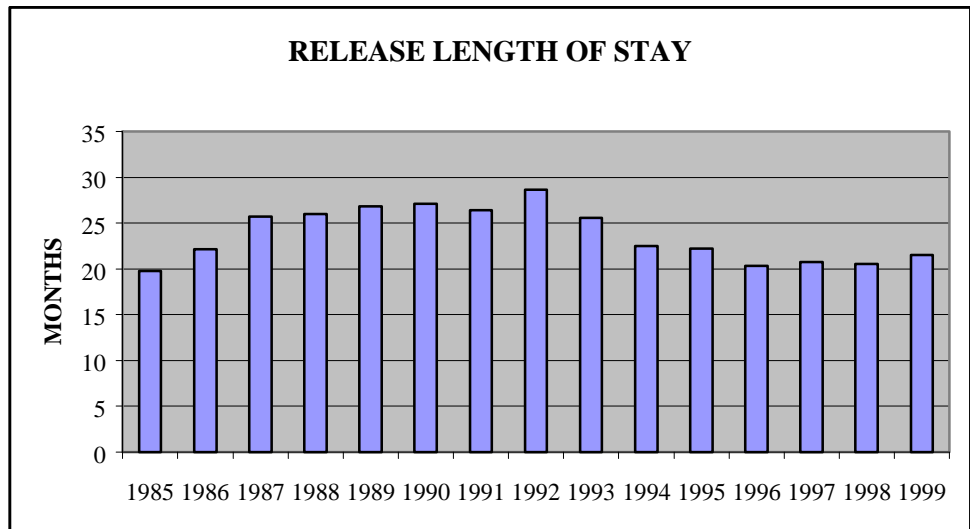
A shortfall in funding compensation for FY 2001 was discovered very late in the 2000 General Session. To provide a correction mechanism for the underfunded compensation the following language was added to the Supplemental Appropriations Act II (Item#137, page 21):

“It is the intent of the Legislature that the underfunded compensation for Adult Corrections, the Division of Youth Corrections, the courts, and the Board of Pardons receive high priority for supplemental funding for fiscal year 2001. In addition, the Governor’s Office of Planning and Budget shall include the amount in the fiscal year beginning base budgets.”

The Analyst has included that adjustment for FY 2002 and recommends a supplemental of \$16,000 for FY 2001.

Length of Stay Data

There are two mechanisms that drive inmate counts in the corrections systems are incarceration rate and length of stay. The **incarceration rate** reflects primarily on the law enforcement and prosecution functions of the criminal justice system. The **length of stay**, however, is a result of the cumulative decisions of the Board of Pardons and Parole. The following chart shows how the length of stay for Utah inmates has been impacted over the last 15 years.



Drug Board

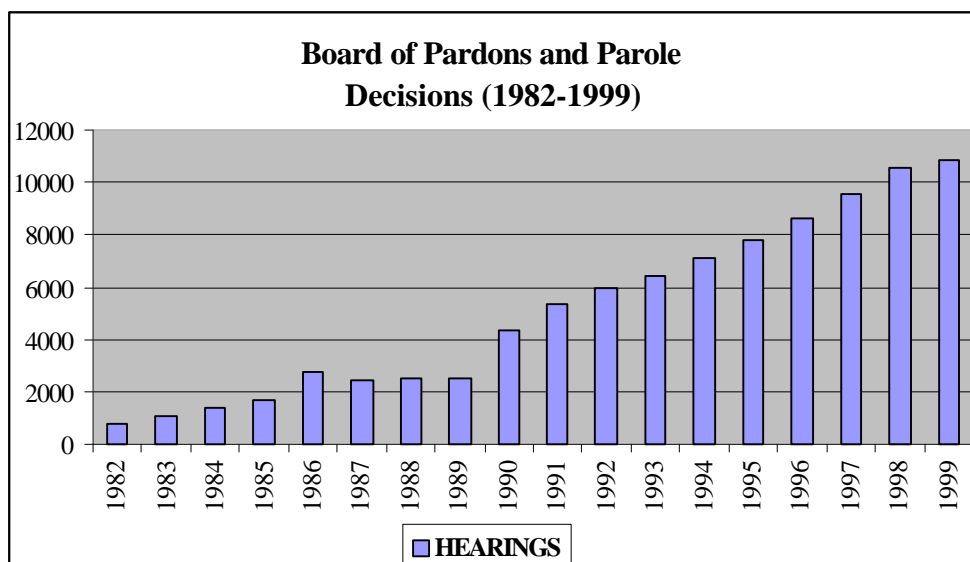
Senate Bill 15, “Use” of Tobacco Settlement Revenues” expanded the Drug Courts of the state and started a Drug Board Pilot Project. To test a drug court pilot operation for paroled inmates, a Drug Board in the Davis and Weber County areas was included. Funding for the Board portion of the program consists of \$77,400 in Tobacco Settlement Funds and includes the hiring of one additional hearing officer.

Analysts Note

The Board now travels to Beaver and Washington County jails for hearings. This saves the State costs for transportation of inmates (corrections), and risk (such as the December 2000, Corrections van accident on I-15 in American Fork).

Growth

Increases in inmate population increase the number of board hearings and decisions.



4.0 Additional Information: Board of Pardons

4.1 Funding History

	1998	1999	2000	2001	2002
Financing	Actual	Actual	Actual	Estimated	Analyst
General Fund	2,208,900	2,323,300	2,454,700	2,504,400	2,459,100
Dedicated Credits Revenue	400	1,000	900	2,000	2,200
GFR - Tobacco Settlement				77,400	77,400
Beginning Nonlapsing	169,200	145,100	151,000	145,100	
Closing Nonlapsing	(145,100)	(151,000)	(145,100)		
Total	\$2,233,400	\$2,318,400	\$2,461,500	\$2,728,900	\$2,538,700
Programs					
Board Of Pardons and Parole	2,233,400	2,318,400	2,461,500	2,728,900	2,538,700
Total	\$2,233,400	\$2,318,400	\$2,461,500	\$2,728,900	\$2,538,700
Expenditures					
Personal Services	1,675,200	1,750,800	1,853,600	2,052,700	2,006,500
In-State Travel	12,300	11,400	14,700	15,000	10,900
Out of State Travel	10,600	8,700	9,400	9,800	8,900
Current Expense	475,700	491,900	487,300	458,600	380,200
DP Current Expense	59,600	55,600	75,700	47,900	66,700
Other Charges/Pass Thru			20,800	144,900	65,500
Total	\$2,233,400	\$2,318,400	\$2,461,500	\$2,728,900	\$2,538,700
FTE/Other					
Total FTE	33	33	35	37	37
Vehicles				6	6